

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

INVENTOR(S) : Richard H. Bruce et al.

TITLE : APPARATUS AND METHOD FOR  
DETECTING AND LOCATING RARE  
CELLS

APPLICATION NO. : 10/616,366

FILED : July 9, 2003

CONFIRMATION NO. : 2319

EXAMINER : Abolfazl Tabatabai

ART UNIT : 2624

ALLOWED : July 18, 2007

ATTORNEY DOCKET NO. : A2247-US-CIP  
XERZ 2 00563-3

**RESPONSE TO STATEMENT OF REASONS FOR ALLOWANCE**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
**Mail Stop Issue Fee**

Dear Sir:

Applicants gratefully acknowledge the indication as to the allowance of the present application.

However, applicants respectfully submit the Statements of Reasons for Allowance are, in and of themselves, inappropriate. It is noted that the reasons for allowance may be set forth in instances in which " . . . the Examiner believes that the record of the prosecution as a whole does not make clear his or her reasons for allowing a claim or claims." (37 CFR §1.104(e)(2004)). In the present case, applicants believe the record as a whole does make the reasons for allowance clear and,

therefore, no statement by the Examiner is necessary or warranted. Furthermore, the applicants do not necessarily agree with each statement in the reasons for allowance.

Specifically, it has been indicated that the claims are allowed by importing interpretations into the claims in relation to the prior art that results in a potential imprecise and/or inaccurate understanding of the reasons. This places an unwarranted interpretation upon the claims. Such a characterization of the claims does not properly take into account applicants' claimed invention as reflected in the specification and the applicants' responses to the Examiner's office actions.

Therefore, while applicants believe the claims are allowable, applicants do not acquiesce that patentability resides in only the features, exactly as expressed in the claims, nor that each feature is required for patentability.

Respectfully submitted,

FAY SHARPE LLP

8/10/07  
Date

[Signature]  
Mark S. Svat, Reg. No. 34,261  
1100 Superior Avenue, Seventh Floor  
Cleveland, OH 44114-2579  
216-861-5582

<b><u>CERTIFICATE OF MAILING OR TRANSMISSION</u></b>	
I hereby certify that this correspondence (and any item referred to herein as being attached or enclosed) is (are) being	
<input type="checkbox"/>	deposited with the United States Postal Service "Express Mail" service under 37 CFR 1.10, addressed to: Mail Stop Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.
<input checked="" type="checkbox"/>	transmitted to the USPTO by electronic transmission via EFS-Web on the date indicated below.
	Signature: <u>[Signature]</u>
Date: <u>8-10-07</u>	Name: Karen M. Forsyth